

APPLICANT(S): SCHECHNER, Yoav
SERIAL NO.: 10/588,127
FILED: July 31, 2007
Page 5

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-17 are pending in the application. Claims 1-17 have been rejected.

Claims 1, 2, 4-6, 13, 16 and 17 have been amended herein.

Claim 2 has been voluntarily amended to be placed in correct Markush claim language, and claim 6 has been voluntarily amended to correct a typographical error. These amendments do not narrow the scope of claims 2 and 6, nor are being made for reasons of patentability. The amended claim is not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMt Pneumatics, Inc.*, as the amendment does not narrow the scope of the claim, nor is it being made for reasons of patentability.

Applicants respectfully assert that the amendments to the claims add no new matter.

Claim 3 has been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

New claims 18 have been added in order to further define what the Applicants consider to be the invention. Applicants respectfully assert that no new matter has been added.

APPLICANT(S): SCHECHNER, Yoav
SERIAL NO.: 10/588,127
FILED: July 31, 2007
Page 6

RECEIVED
CENTRAL FAX CENTER
OCT 20 2008

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-7 and 11-17 under 35 U.S.C. § 103(a), as being unpatentable over Westhaver (US Patent Number 5,719,715) in view of Lai et al. (US Patent Number 6,470,097).

Applicants respectfully traverse this rejection.

Westhaver (US Patent Number 5,719,715) discloses a filter for underwater color correction which is characterized by optical transmission exhibiting more attenuation of blue/green light than red light and having a ratio of transmission at 600 nanometers and 700 nanometers substantially less than 50%.

Westhaver deals only with image degradation caused by attenuation, and relates to differential attenuation (the difference between attenuation of blue/green with respect to red), and not with absolute attenuation.

Westhaver is not concerned with other degradation effects in underwater imaging (e.g. veiling light). Furthermore, Westhaver deals with conventional (film) photography and uses filters in the process of producing prints.

Lai et al. (US Patent Number 6,470,097) deals with blur. Lai et al. discloses a blind image restoration system that uses total variational (TV) regularization to allow discontinuities in a true image function. The system first updates image blur parameters to minimize the energy function with the motion parameters and restored image. The motion parameters between subsequent frames in the image sequence are then updated to minimize the energy function with the blur parameters and restored image. The restored image is then updated by using a preconditioned conjugate gradient algorithm to minimize the energy function derived from the TV regularization formulation. The TV-based energy function is then computed by using the currently updated parameter values. If the relative difference between the current energy function value and the energy value computed in the previous iteration is within a threshold, then it is converged and the restored image is outputted. If it is not converged, the signal flows back to update the parameters.

APPLICANT(S): SCHECHNER, Yoav
SERIAL NO.: 10/588,127
FILED: July 31, 2007
Page 7

Applicants assert that neither Westhaver nor Lai et al., alone or in combination, teaches or suggests, a method for enhancing underwater imaging affected by image degradation effects that includes "determining attenuation of parts of the scene as acquired by imaging device and determining the contribution of veiling light to said acquired at least one image" and "reconstructing an image of the underwater scene using a physics-based mathematical model, compensating image characteristics influenced by the attenuation and the veiling light degradation effects, and compensating underwater degradation effects relating to the optical path between illumination sources and different parts of the scene", as claimed in amended independent claim 1 and the corresponding system claim, amended independent claim 17.

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

The combination of Westhaver and Lai et al. does not teach or suggest all the limitations of amended independent claim 1 and amended independent claim 17, nor does it teach or suggest all the limitations of dependent claims 2-7 and 11-16 and new dependent claim 18. Westhaver has been discussed above. That discussion is applicable here. Lai et al. is also silent as to "determining the contribution of veiling light to said acquired at least one image" and to "reconstructing an image of the underwater scene using a physics-based mathematical model, compensating image characteristics influenced by the attenuation and the veiling light degradation effects, and compensating underwater degradation effects relating to the optical path between illumination sources and different parts of the scene", as claimed in amended independent claim 1 and amended independent claim 17. Hence, Lai et al. cannot cure the deficiencies of Westhaver. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since Westhaver or Lai et al., alone or in combination, do not teach or suggest all the elements of any of independent claims 1 and 17, the Examiner fails to establish a prima facie showing that Westhaver or Lai et al., alone or in combination, teaches or suggests every feature of claims 1 and 17.

APPLICANT(S): SCHECHNER, Yoav
SERIAL NO.: 10/588,127
FILED: July 31, 2007
Page 8

Accordingly, Applicants respectfully assert that amended independent claims 1 and 17 are allowable.

Claims 2-7, and 11-16 (and new claim 18) depend from, directly or indirectly, claims 1 or 17, and therefore include all the limitations of one of these claims. Therefore, Applicants respectfully assert that claims 2-7 and 11-16 (as well as new claim 18) are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 1 and 17 and to claims 2-7 and 11-16 (and new claim 18) dependent thereon.

In the Office Action, the Examiner rejected claims 8-10 under 35 U.S.C. § 103(a), as being unpatentable over Westhaver (US Patent Number 5,719,715) and Lai et al. (US Patent Number 6,470,097) as applied to claim 1 and further view of Auty et al. (US Patent Number 5,809,161).

Applicants respectfully traverse this rejection.

Auty et al. discloses an object monitoring system that includes a camera node for monitoring movement of an object to determine an acquisition time when an image of the object is to be acquired and acquiring the image at the predetermined time. The system includes a camera which is able to monitor moving objects and image processing circuitry, responsive to the camera, which is able to detect a predetermined moving object from other moving and static objects. From the image acquired, information identifying the object can be automatically extracted. A second camera may also be used to acquire the image, and in some embodiments of that invention the second camera operates in higher resolution than the resolution of the monitoring camera.

The allowability of amended independent claim 1 was discussed above. Auty et al. does not include information that further detracts from the allowability of amended independent claim 1, as the combination of Westhaver, Lai et al. and Auty et al. does not teach or suggest all the limitations of amended independent claim 1.

Claims 8-10 depend from, directly or indirectly, amended independent claim 1, and therefore include all the limitations of one of that claim. Therefore, Applicants respectfully assert that claims 8-10 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections claimed 8-10.

APPLICANT(S): SCHECHNER, Yoav
SERIAL NO.: 10/588,127
FILED: July 31, 2007
Page 9

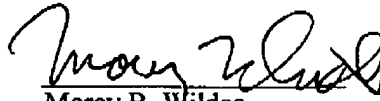
RECEIVED
CENTRAL FAX CENTER
OCT 20 2008

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Morey B. Wildes
Attorney/Agent for Applicant(s)
Registration No. 36,968

Dated: October 20, 2008

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801